

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

TRON CARRUTH

CIVIL ACTION NO. 1:04-CV-2063-A
SECTION P

-vs-

JUDGE DRELL

TIM WILKINSON, ET AL.

MAGISTRATE JUDGE KIRK

J U D G M E N T

After an independent review of the entire record, including Plaintiff's objections and supplemental objections to the Report and Recommendation of the Magistrate Judge previously filed herein, we conclude that Plaintiff has asserted a non-frivolous failure to protect claim. In order for this Court to determine what action shall be taken as to Plaintiff's failure to protect claim;

THE CLERK IS ORDERED to serve via regular mail, a copy of this judgment, two (2) summons forms for each Defendant, and one (1) USM-285 form for each Defendant, upon Plaintiff at his last known address. Plaintiff must then furnish to the Clerk of Court at 515 Murray Street in Alexandria, Louisiana, 71309-1614, within thirty (30) days after service of this order: (a) one (1) copy of the original complaint (Doc. 1); (b) one (1) copy of the amended complaint (Doc. 10); and (c) one (1) completed USM-285 form for each Defendant for service.

After the foregoing documents have been furnished as aforesaid;

THE CLERK FURTHER IS DIRECTED to serve through the U.S. Marshal, a copy of the original complaint, with the appropriate summons, and a copy of this memorandum order on Defendants.

IT IS ORDERED that Defendants file a response within twenty (20) days after the date of service. Defendants should address Plaintiff's failure to protect claims as presented in his original and amended complaints. Defendants are also to specifically address whether Plaintiff fully exhausted all remedies before proceeding to federal court.

After Defendants' responsive pleadings are filed, an additional sixty (60) days are allowed for all parties to complete all appropriate discovery.

Thereafter, if deemed appropriate, Plaintiff or Defendants may file a motion for summary judgment within thirty (30) days [ninety (90) days after responsive pleadings are filed] supported by material and relevant affidavits, certified records, interrogatories and answers, admissions and depositions, if any, and a supporting memorandum brief. The pages of the record shall be (1) arranged by type in chronological sequence; (2) securely bound together by comb binder, Acco® paper fastener, or other similar two-hole binder (rubber bands and clips are unacceptable); and (3) numbered consecutively (handwritten numbers are unacceptable). An index describing each item of the record sent and showing each item's page number shall also be attached.

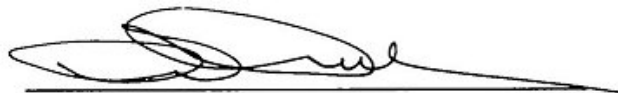
Any party not filing a motion for summary judgment SHALL FILE a Statement of Issues, within the same period, which shall enumerate each genuine issue of material fact perceived by that party which is relevant to this matter, or state that there are none. This statement will be used by the Court to determine the necessity for an evidentiary hearing.

IT IS FURTHER ORDERED that, as a condition to their acceptance by the Clerk, all future filings by Plaintiff or Defendants shall include a certificate indicating that a copy thereof has been furnished to the other parties, specifically stating the name and address of each party (or his attorney) to whom a copy of the pleading was sent.

All parties shall have the responsibility of promptly reporting to the Court and to all other parties any change in mailing address.

Failure to comply with this order will result in dismissal of this matter without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SIGNED on this 2nd day of May, 2006, at Alexandria, Louisiana.



Dee D. Drell
United States District Judge